

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-6 and 9-13 are pending in the application. No claim amendments are presented, thus no new matter is added.

In the Office Action, Claims 1-6 and 9-13 are rejected under 35 U.S.C. § 103(e) as anticipated by Garrity et al. (U.S. Pat. 6,230,205, Garrity) in view of Rodriguez (U.S. Pat. 7,340,759).

Applicants respectfully traverse the above noted rejection under 35 U.S.C. § 103, as independent Claims 1, 5-6 and 9 recite novel features clearly not taught or rendered obvious by the applied references.

Independent Claim 1, for example, recites, in part, a content distribution method, comprising:

transmitting a menu from the reservation control apparatus *to the distributor terminal apparatus* ... the menu configured to display available service times to *upload content from the distributor terminal apparatus to the distribution server* ... and *a service fee, availability, bandwidth and cost corresponding to each of the available service times* ...

Independent Claims 5, 6 and 9, while directed to alternative embodiments, recite similar features.

As depicted in an exemplary embodiment at Fig. 22, the reservation control apparatus (e.g., server reservation control center 101 in Fig. 12) is configured to transmit a menu to a distributor terminal apparatus (e.g., the terminal that uploads the content for distribution), which displays available service times during which content may be uploaded from the distributor terminal apparatus to the distribution server, and a service fee, availability, bandwidth and cost corresponding to each of the available service times.

In rebutting the previously presented arguments directed to the above emphasized claimed features, p. 2 of the Office Action asserts that Garrity “discloses transmitting a menu from the reservation control apparatus to the distributor terminal apparatus ... to upload content from the distributor terminal apparatus to the distribution server ...” and Rodriguez “discloses a menu configured to display available service times to distribute content using a distribution server and a distribution fee ...”

Claim 1, however, does not recite that the menu displays “available service times to distribute content”, as characterized in the Office Action with respect to Rodriguez. Instead, Claim 1 requires that the menu displays “available service times to ***upload content from the distributor terminal apparatus to the distribution server***”. Thus, the Office Action appears to improperly characterize the claimed features in relation to the Rodriguez reference.

More particularly, in rejecting the claimed features directed to the information displayed by the menu, the Office Action relies on col. 18, ll. 23-55 of Rodriguez. This cited portion of Rodriguez describes a video-on-demand (VOD) system in which a bandwidth allocation manager 125 determines a bandwidth allocation schedule based on allocation criteria comprising a subscriber reservation request. The subscriber reservation request is a request initiated by the subscriber to view a particular service at a particular time in the future. A digital home communication terminal (DHCT) 14 includes a VOD reservation application that allows a user to select video content from a catalog of available services and to select the date and time that they wish to view the video. In addition, the reservation application may display the fees and/or price criteria associated with the reservation viewing options. Rodriguez, therefore, describes a display at a DHCT (e.g. home set-top box) that allows a subscriber to see costs associated with receiving specific content from the VOD system.

Thus, even if Rodriguez were combined with Garrity, the resultant system would include the interface of Garrity used to transmit content from a content provider (CP) 102-106 to an operations center (BOC) 136, which, as conceded in the Office Action, does not “display available service times and a service fee, availability, bandwidth and a cost corresponding to each of the available service times.” The system would also include a display at a DHCT (e.g. home set-top box), as described in Rodriguez, that allows a subscriber to see costs associated with receiving specific content from the VOD system. Therefore, the addition of Rodriguez merely provides Garrity with an interface by which the content is retrieved by subscribers, and is in no way related to displaying parameters related to available service times to upload content from the distributor terminal apparatus to the distribution server, as claimed.

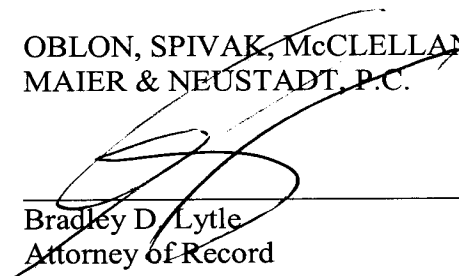
Therefore, the combination of Garrity and Rodriguez fails to teach or suggest “transmitting a menu from the reservation control apparatus *to the distributor terminal apparatus* ... the menu configured to display available service times to *upload content from the distributor terminal apparatus to the distribution server* ... and *a service fee, availability, bandwidth and cost corresponding to each of the available service times*.”

Accordingly, Applicants respectfully request that the rejection of Claim 1 (and Claims 2-4 and 11, which depend therefrom) under 35 U.S.C. § 103 be withdrawn. For substantially similar reasons, it is also submitted that independent Claims 5, 6 and 9 (and the claims that depend therefrom) also patentably define over Garrity and Rodriguez.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-6 and 9-13 is definite and patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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